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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,735	09/30/2004	Jakob Grob	ISL0003-US	9815

28970 7590 01/12/2007
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EXAMINER	
AKANBI, ISIAKA O	

ART UNIT	PAPER NUMBER
2877	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/509,735	GROB ET AL.	
	Examiner	Art Unit	
	Isiaka O. Akanbi	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *30 June 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement file 30 June 2005 has been entered and reference considered by the examiner.

Drawings

The examiner approves the drawings filed 30 September 2004.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-18 and 1-23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 - 23 of copending Application 10/510,041. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the present application are broader than the claim of the copending Application. They correspond as follows:

10/509,735	10/510,041
1	1
2	2
3	3
4	4
5	5
6	7
7	6
8	7
9	6,7
10	5,10
11	11,13
12	11,13
13	18, 19
14	18, 19
15	18, 19
16	3
17	21
18	1,23

The difference between the present application and the copending application is that the present application claimed light source while the copending application claimed UV light source. The copending application claimed at least one type of light source that would anticipate the claims of the present application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-11, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller-Rees et al. (6,570,648 B1).

As regard to claims 1 and 18, Muller-Rees discloses a device/method (1/10/20)) for revealing security elements that are present in an object (5) and that have at least one photoluminescent segment which is characterized by linearly polarized photoluminescence and/or linearly polarized absorption (col. 8, line 31-33), characterized in that at least one light source (2) and at least one polarization filter (4) are arranged in such a way that the light from the light source is linearly polarized (col. 8, line 48-49) by the polarization filter, strikes the object (5) and, respectively, the photoluminescent segments present therein, and photoluminescent light from the segment can be observed (13) through a further and/or the same polarization filter (figs. 2 and 3)(col. 8, line 24-41).

As to claims 2 and 5, according to claim 1, Muller-Rees discloses at least one light source (2) emits light in the UV range (col. 7, line 60-67) and in that the photoluminescent light from the at least one segment lies in the visible range (fig.2)(col. 8, line 42-46).

As to claims 3 and 16, Muller-Rees discloses light source that is a UV light source with an emission in the range from 180 to 500 nanometers, preferably in the range from 200 to 400 nanometers, it also being possible for it to be a broadband light source in front of which an appropriate bandpass filter is arranged, so that only UV light in particular in the aforementioned range strikes the object (5)(figs. 1-3)(col. 2, line 65-col. 3, line 1-12)(col. 7, line 60-67).

As to claim 4, Muller-Rees discloses a polarization filter (4)(fig. 2)(col. 2, line 28-29)

As to claim 6, Muller-Rees discloses observation that takes place through a filter (4) which substantially does not permit light in the wavelength range of the light source to pass (col. 8, line26-40), while light in the wavelength range of the visible photoluminescent light from the segment can pass substantially unimpeded (col. 8, line 56-67).

As to claim 7, Muller-Rees discloses the light shone in and the photoluminescent light from the segment pass through the same polarization filter (4) and the polarization

filter for observation can be rotated about an axis perpendicular to the plane of the polarization filter, in particular with the aid of a motor (i.e. wheel)(figs. 1-3)(col. 8, line 26-31 and line 58-62).

As to claim 9, Muller-Rees discloses polarization filter (4) that is enclosed in a mounting ring (6) and is rotated by rotating means (figs. 1-3)(col. 8, line 26-31 and line 58-62).

As to claim 10, Muller-Rees discloses a first polarization filter (4) is arranged between light source (2) and object (5), and in that a second polarization filter (12/22/23) is arranged between object (5) and observation (13), and in that either the first or the second polarization filter can be rotated about an axis at right angles to the plane of the polarization filter, in particular with the aid of a motor (i.e. filter wheel or slide), while the respective other polarization filter is not rotated (figs. 1-3)(col. 8, line 58-67).

As to claim 11, Muller-Rees discloses using at least 2 light sources (B1/B2)(col. 7, line 30-34 and line 38-40) with a polarization filter (4) in front of each of the light sources, the polarization directions of the light beams falling on the object (5) from the different light sources being different and the different light sources being activated in an alternating manner (using i.e. wavelength-selective elements)(col. 9, line 46-48).

As to claim 13, Muller-Rees discloses a camera (i.e. a CCD color camera), that is provided for the observation, the image recorded by the camera being depicted on a display (machine)(i.e. a TFT-LCD color display), if appropriate following suitable image processing such as contrast adaptation, color adaptation, brightness adaptation, enlargement and/or resolution adaptation (col. 13, line 43-50)(col. 14, line 2-23).

As to claim 17, Muller-Rees discloses means for checking security features that is optical, electronic, electro-optical (figs. 1-3)(col. 9, line 18-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller-Rees et al. (6,570,648 B1).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller-Rees, as applied to claim 7. The reference of Muller-Rees teaches of polarization filter (4) that can be rotated with a rotation frequency (figs. 1-3)(col. 8, line 26-31) The reference of Muller-Rees is silent regarding the rotation frequency (i.e. 0.2 to 5 Hz or 0.5 to 2 Hz), however it would have been obvious to one having ordinary skill in the art at the time of invention to rotate the polarization filters with a rotation frequency that would allowed time for the light reflected from the object to pass through selected filter. Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to provide rotation frequency that is in the range of (i.e. 0.2 to 5 Hz or 0.5 to 2 Hz) for the purpose of allowing the light reflected by the object to pass through the selected filter with accuracy.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller-Rees, as applied to claim 11. The reference of Muller-Rees teaches of 2 light sources (B1/B2)(col. 7, line 30-34 and line 38-40) with a polarization filter (4) and angles of illumination of 90° (col. 7, line 57-69) and suggested irradiation simultaneously or in succession (col. 9, line 46-47). The reference of Muller-Rees is silent regarding the switching the light sources on and off at a frequency (i.e. 0.2 to 5 Hz or 0.5 to 2 Hz), however it would have been obvious to one having ordinary skill in the art at the time of invention to provide multiple light sources that is switched on and off at a frequency (i.e. 0.2 to 5 Hz or 0.5 to 2 Hz) to allowed multiple measurement. Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to provide switching the light sources on and off in alternating way at a frequency (i.e. 0.2 to 5 Hz or 0.5 to 2 Hz) for the purpose of taking multiple measurement.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rees et al. (6,570,648 B1) in view of Dowling, Jr. et al (4,785,171)

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller-Rees in view Dowling, as applied to claims above. The reference of Muller-Rees teaches of the features of claim 13, comprising camera and an image recording machine

(col. 9, line 12-25)(col. 13, line 43-50)(col. 14, line 2-23), however the reference of Muller-Rees is silent regarding the camera being a CCD color camera and that the image recorded by the camera being depicted on a display (i.e. a TFT-LCD color display). The reference of Dowling teaches of combining CCD camera (42) to computer (44). It would have been obvious to one having ordinary skill in the art at the time of invention to provide image recorded by the camera (i.e. CCD camera that is multichip camera) that is being depicted on a display (i.e. a TFT-LCD color display) for the purpose of easy view, further It would have been obvious to one having ordinary skill in the art at the time of invention to observe the image through a lens (i.e. magnifying glass) for the purpose of enlarging the object for better identification.

Additional Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed in the attached form PTO-892 teach of other prior art device/method for revealing security elements that may anticipate or obviate the claims of the applicant's invention.

Conclusion

Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isiaka Akanbi whose telephone number is (571) 272-8658. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley Jr. can be reached on (571) 272-2059. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isiaka Akanbi
December 25, 2006

